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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,565	10/05/2001	Marc E. Enright JR.	A34572	5365

21003 7590 12/03/2002

BAKER & BOTTS
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NEW YORK, NY 10112

EXAMINER

MEREK, JOSEPH C

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/972,565	ENRIGHT, MARC E.
	Examiner	Art Unit
	Joseph C. Merek	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . | 6) <input type="checkbox"/> Other: _____ . |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuneo et al (US 5,727,492). Regarding claim 1, see Fig. 6, where the support structure is shown. 31 is the tank wall and 26 is the ship hull. There is a plurality of supports 36. Vertical load support is provided when 53 mates with 51 while sliding motion along 51 and 53 is permitted. See Fig. 5, where the supports are on at least two sides of the tank. Item 51 is the first component and 53 is the second component. The preamble of claim 1 specifies a support for a tank. However, the claim requires the combination of the support and the tank since in lines 8 and 9, it is set forth that “a first component affixed to a tank wall”. The term semi-membrane does not require any structure that is not in the reference. Regarding claim 2, the stiffeners are 32. Regarding claim 3, 57 is Teflon which is load bearing as well as insulating. Regarding claim 4, 53 is a bracket and receives 51 in sliding relation. Regarding claim 5, 53 substantially encloses 51. There will be some orthogonal motion provided between 51 and 53 due to the gaps between 51 and 53 as seen in Fig. 6. Regarding claim 6, 51 has a groove and so does 51, the components will slide parallel to the grooves and there will be some orthogonal movement due to the space between 51 and 53. The enlarged portion of the first

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component is the L-shaped flange. This L-flange is received in the groove of 53. Regarding claims 7 and 8, see Fig. 5, one wall is vertical and the other wall is horizontal and the support will allow for two directional movement as discussed above. The further plurality is not required to be different from the first plurality in directional movement. Regarding claim 9, see Fig. 2, where there are supports above and below the centerline of the tank.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker et al (US 3,937,353). Regarding claims 1-9, see Figs. 4 and 5, where the support structure is shown. The term semi-membrane does not require any structure that is not in the reference. The preamble of claim 1 specifies a support for a tank. However, the claim requires the combination of the support and the tank since in lines 8 and 9, it is set forth that "a first component affixed to a tank wall". The upper supports allow for movement in both directions. The lower supports allow for movement in the horizontal direction only. There is a plurality of each along the upper and lower wall. Regarding claim 3, 119 is a thermally insulating and load bearing material.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leroux, Clarke et al, Gilles, Bridges, and Miller et al are all cited for teaching tank supporting structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Joseph C. Merek
December 1, 2002


Stephen K. Cronin
Primary Examiner